



UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY
Caption in Compliance with D.N.J. LBR 9004-2(c)

GURBIR S. GREWAL
Attorney General of New Jersey
By: Valerie Hamilton (018201995)
Deputy Attorney General
R. J. Hughes Justice Complex
25 W. Market Street
P.O. Box 106
Trenton, New Jersey 08625
Attorney for the State of New Jersey,
Division of Taxation

In Re:

THOMAS PATRICK DARBY and AUDREY MARIE
DARBY,
Debtors.

Order Filed on December 5, 2019
by Clerk
U.S. Bankruptcy Court
District of New Jersey

Hon. Vincent F. Papalia, USBJ
Case No. 19-16285 (VFP)
Chapter 13

CONSENT ORDER RECLASSIFYING CLAIM OF STATE OF NEW JERSEY,
DIVISION OF TAXATION AND MODIFYING DEBTORS' CHAPTER 13 PLAN

The relief set forth on the following pages, numbered
two (2) through three (3), is hereby ORDERED.

DATED: December 5, 2019



Honorable Vincent F. Papalia
United States Bankruptcy Judge

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Debtor: THOMAS P. DARBY and AUDREY M. DARBY

Case No. 19-16285 (VFP)

Caption of Order: CONSENT ORDER RECLASSIFYING TAXATION'S CLAIM AND OTHER RELIEF

This matter having been presented to the Court by Debtors, Thomas Patrick Darby and Audrey Marie Darby ("Debtors"), seeking confirmation of the Debtors' Second Modified Chapter 13 Plan (Docket No. 39), and the State of New Jersey, Division of Taxation ("Taxation"), having filed a proof of claim (Claim 7-1), asserting a secured claim in the amount of \$2,294.67, a priority unsecured claim in the amount of \$5,582.44, and a general unsecured claim in the amount of \$315.31; and Debtors, by and through their counsel, Norgaard O'Boyle & Hannon (Brian G. Hannon, Esq., appearing) and Taxation, by and through its counsel, Gurbir S. Grewal, Attorney General of New Jersey (Valerie A. Hamilton, Deputy Attorney General, appearing), having amicably resolved Taxation's claims and their treatment through Debtors' Plan and good and sufficient cause appearing for the entry of this Order;

- (1) IT IS HEREBY ORDERED THAT Taxation's Proof of Claim (Claim No. 7-1) filed on September 23, 2019 is hereby allowed and treated as follows:
 - a. The tax and interest portions of Taxation's secured claim shall be reclassified to a priority unsecured claim in the amount of \$2,083.67. Upon reclassification, Taxation shall hold priority unsecured claims in the total amount of \$7,666.11. Debtors' Chapter 13 Plan is hereby amended to provide for full payment of Taxation's priority unsecured claims;
 - b. The penalty portion of Taxation's secured claim shall be reclassified to a general unsecured claim in the amount of \$211.00. Upon reclassification, Taxation shall hold general unsecured claims in the total amount of \$526.31. Taxation's general unsecured claims shall be treated as other general unsecured claims in Debtors' Plan;
- (2) IT IS FURTHER ORDERED that if any provision of this Order conflicts with any other Order entered in this matter, including an order confirming Debtors' Chapter 13 Plan and/or discharge order, the provisions of this Order shall control.

[Signature page to follow]

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Debtor: THOMAS P. DARBY and AUDREY M. DARBY

Case No. 19-16285 (VFP)

Caption of Order: CONSENT ORDER RECLASSIFYING TAXATION'S CLAIM AND OTHER RELIEF

CONSENTED AS TO FORM AND ENTRY:

NORGAARD O'BOYLE & HANNON
Attorneys for the Debtors

By: 
Brian G. Hannon, Esq.

GURBIR S. GREWAL
Attorney General of New Jersey
Attorney for Taxation

By: 
Valerie A. Hamilton
Deputy Attorney General

Certificate of Notice Page 4 of 4
United States Bankruptcy Court
District of New Jersey

In re:
 Thomas Patrick Darby
 Audrey Marie Darby
 Debtors

Case No. 19-16285-VFP
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-2

User: admin
 Form ID: pdf903

Page 1 of 1
 Total Noticed: 1

Date Rcvd: Dec 06, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Dec 08, 2019.

db/jdb Thomas Patrick Darby, Audrey Marie Darby, 232 Doremus Avenue, Ridgewood, NJ 07450-4242

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
 NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Dec 08, 2019

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on December 6, 2019 at the address(es) listed below:

Brian Gregory Hannon on behalf of Joint Debtor Audrey Marie Darby bhannon@norgaardfirm.com, sferreira@norgaardfirm.com;184grandno@gmail.com;kcimmino@norgaardfirm.com
 Brian Gregory Hannon on behalf of Debtor Thomas Patrick Darby bhannon@norgaardfirm.com, sferreira@norgaardfirm.com;184grandno@gmail.com;kcimmino@norgaardfirm.com
 Elizabeth K. Holdren on behalf of Creditor NewRez LLC d/b/a Shellpoint Mortgage Servicing as servicer for 1900 Capital Trust II, by U.S. Bank Trust National Association, not in its individual capacity but solely as Certificate Trustee eholdren@hillwallack.com, jhanley@hillwallack.com;hwbnj@hillwallack.com
 Marie-Ann Greenberg magecf@magtrustee.com
 Rebecca Ann Solarz on behalf of Creditor ARCPE 1 LLC rsolarz@kmllawgroup.com
 U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov
 Valerie A. Hamilton on behalf of Creditor New Jersey Division of Taxation Valerie.Hamilton@law.njoag.gov

TOTAL: 7